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Attorneys for Defendants
PROTIVA BIOTHERAPEUTICS, INC.
and MARK J. MURRAY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIRNA THERAPEUTICS, INC.,

Plaintiff,

v.

PROTIVA BIOTHERAPEUTICS, INC.,
and MARK J. MURRAY,

Defendants.

Case No. C 06-01361 MMC

**STIPULATION AND PROPOSED
ORDER OF DISMISSAL WITH
PREJUDICE**

1 The parties herein, by and through their counsel of record, hereby stipulate and agree as
2 follows:

3 WHEREAS, the Plaintiff and Defendants have entered into a Settlement Agreement and
4 General Release which fully settles all contested issues in this case;

5 IT IS HEREBY STIPULATED, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that all claims
6 asserted in this case by Plaintiff are hereby dismissed with prejudice and, further, that all parties
7 shall bear their own costs and fees.

8 SO STIPULATED.

9 Dated: October 12, 2007

O'MELVENY & MYERS LLP

11 By: /s/ Meredith N. Landy
Meredith N. Landy

13 Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

15 Dated: October 12, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

17 By: Elizabeth A. Howard

19 Attorneys for Defendants
PROTIVA BIOTHERAPEUTICS, INC.
and MARK J. MURRAY

CERTIFICATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from
counsel for defendants, Elizabeth A. Howard.

Dated: October 12, 2007

O'MELVENY & MYERS LLP

By: /s/ Meredith N. Landy
Meredith N. Landy

Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

1 The parties herein, by and through their counsel of record, hereby stipulate and agree as
2 follows:

3 WHEREAS, the Plaintiff and Defendants have entered into a Settlement Agreement and
4 General Release which fully settles all contested issues in this case;

5 IT IS HEREBY STIPULATED, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that all claims
6 asserted in this case by Plaintiff are hereby dismissed with prejudice and, further, that all parties
7 shall bear their own costs and fees.

8 SO STIPULATED.

9 Dated: October __, 2007

O'MELVENY & MYERS LLP

11 By: _____
Meredith N. Landy

13 Attorneys for Plaintiff
SIRNA THERAPEUTICS, INC.

15 Dated: October 11, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

17 By: 
Elizabeth A. Howard

19 Attorneys for Defendants
PROTIVA BIOTHERAPEUTICS, INC.
and MARK J. MURRAY

ORDER

IT IS SO ORDERED.

Dated: October 15, 2007



The Honorable Maxine M. Cheney
United States District Judge

MP1:1005886.1